

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
BERKSHIRE PARTNERS LLC,
:
Plaintiff/Counterclaim-defendant, :
:
- against - : No. 08-CV-00556 (GEL)
:
BALL CORPORATION, : **Electronically filed**
:
Defendant/Counterclaim-plaintiff. : **ECF Case**
:
:
:
----- X

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Defendant/
Counterclaim-plaintiff Ball Corporation hereby demands a jury trial on all issues so
triable.

Dated: New York, New York
March 10, 2008

/s/ Lauren E. Aguiar
Lauren E. Aguiar
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
Four Times Square
New York, NY 10036
Tel: (212) 735-3000
Fax: (212) 735-2000
E-mail: laguiar@skadden.com

*Attorney for Defendant/Counterclaim-
Plaintiff Ball Corporation*

Of Counsel:
Charles F. Smith
Ryan A. Horning
Christie O. Tate
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
333 West Wacker Drive, Suite 2100
Chicago, Illinois 60606
Tel: (312) 407-0700
Fax: (312) 407-0411


AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

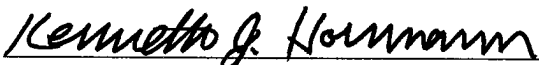
Julie M. Tamburro, being duly sworn, deposes and says:

1. I am not a party to the action, am over 18 years of age and am employed by Skadden, Arps, Slate, Meagher & Flom LLP, Four Times Square, New York, NY 10036.
2. On March 10, 2008, I served the ***Jury Demand*** by first-class mail by depositing same in a post-paid properly addressed envelope, in an official depository under the exclusive care and custody of the U.S. Postal Service within the State of New York upon:

Peter L. Welsh
Ropes & Gray
One International Place
Boston, MA 02110-2624


Julie M. Tamburro

Sworn to before me this
10th day of March 2008.


Kenneth J. Horrmann
Notary Public, State of New York
No. 01HO6131320
Qualified in Kings County
Commission Expires Aug. 1, 2009